

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Michael J. Dahlin,

Plaintiff,

v.

Civil No. 09-2924 (JNE/AJB)
ORDER

Joan Fabian, D.O.C. Commissioner;
Jessica Symmes, M.C.F.-O.P.H. Warden;
David Paulsen, D.O.C. Medical Director;
Nanette Larson, D.O.C. Health Service Supervisor;
Barbara Nelson, D.O.C.-R.N.-O.P.H. Medical Supervisor;
Keith Krueger, M.D.-C.M.S. Inc.-O.P.H. Regional Medical Director;
Kathryn Reid, R.N.-C.M.S. Inc.-O.P.H. Medical Director;
Stephen Craane, M.D.-C.M.S. Inc.-O.P.H. Primary Physician;
Darin Haugland, C.M.S. Inc.-P.T. Physical Therapist;
D.O.C., Minnesota Department of Corrections; and
C.M.S. Inc., Correctional Medical Services Incorporated,
individually and in their official capacities,

Defendants.

This case is before the Court on a Report and Recommendation issued by the Honorable Arthur J. Boylan, Chief United States Magistrate Judge, on December 14, 2010. The magistrate judge recommended that Defendants' motions to dismiss or for summary judgment be granted, that Plaintiff's motion to dismiss be denied as moot, that Plaintiff's motion for appointment of a medical expert witness be denied, and that Plaintiff's complaint be dismissed with prejudice. Plaintiff objected, and Defendants responded. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation [Docket No. 74]. Therefore, IT IS ORDERED THAT:

1. Plaintiff's Motion to Dismiss [Docket No. 70] is DENIED AS MOOT.
2. Defendants D.O.C., Joan Fabian, Nanette Larson, Barbara Nelson, David Paulsen, Kathryn Reid, and Jessica Symmes's Motion to Dismiss and for Summary Judgment [Docket No. 60] is GRANTED.

3. Defendants C.M.S. Inc., Stephen Craane, Darin Haugland, and Keith Krueger's Motion for Summary Judgment [Docket No. 56] is GRANTED.
4. Plaintiff's Motion for Appointment of Medical Expert Witness under Fed. R. Evid. 706(a) [Docket No. 41] is DENIED.
5. Plaintiff's complaint is DISMISSED WITH PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 12, 2011

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge